

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Heinz EICHER

Application No.: 10/697,569

Filed: October 31, 2003

For: **DEVICE FOR LETTING OFF
RESIDUAL STEAM AND
WATER FROM THE HEATING
UNIT OF A HOT BEVERAGE
MACHINE, IN PARTICULAR A
COFFEE MACHINE**

Art Unit: 1761

Examiner: To be assigned

Confirmation No.: 8421

Atty. Docket No.: 31496-198393

Customer No.

26694
PATENT TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: DEPOSIT ACCOUNT**REQUEST FOR REFUND**

Sir:

Applicant respectfully requests a refund of \$1060 which was inadvertently charged to the Deposit Account No. 22-0261 on May 11, 2004. Applicant also requests that the refund be credited to the same Deposit Account.

As indicated in the enclosed Deposit Account Summary, \$770 was charged on May 11, 2004 to cover the fee for filing the subject application and \$290 for the additional claims. However, Applicant never intended to pay these fees. When Applicant filed the initial response to the Notice to Filing Missing Parts on March 30, 2004, Applicant paid a retention fee of \$130 under 37 C.F.R. §1.21(l) instead of providing the missing declaration, filing fee, and abstract of disclosure listed as missing in the Notice. The payment of the retention fee alone, without

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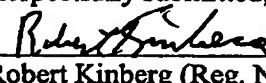
submission of any other document or fee, elucidated that Applicant intended to keep the case retained in the USPTO instead of being fully responsive to the Notice to File Missing Parts. In fact, Applicant filed a continuation application on March 30, 2004 claiming priority on the subject application, and the purpose of paying the retention fee was solely to keep the case retained in the USPTO so that Applicant could claim the priority under 37 C.F.R. §1.53(f)(5).

Subsequently, Applicant discovered an error in the name of the sole inventor in the subject application, and filed a Second Response to Notice to File Missing Parts on April 28, 2004, submitting an inventor's Declaration and Power of Attorney to correct the error with a one-month extension fee. Again, Applicant submitted the Declaration only for the purpose of correcting the inventorship, but not for the purpose of fully responding to the Notice to File Missing Parts. Applicant did not have any intention to pay the missing filing fee and additional claim fee, as Applicant had already paid the retention fee. Applicant wanted to abandon the subject application in lieu of paying the fees while keeping the file retained in the USPTO for the priority claim in the continuation application.

Therefore, Applicant respectfully submits that a total of \$1060 was inadvertently charged and requests that the same amount be credited to Deposit Account No. 22-0261 and Applicants' attorney be notified accordingly.

Date: May 24, 2004

Respectfully submitted,


Robert Kinberg (Reg. No. 26,924)
VENABLE LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Telefax: (202) 344-8300

DC2DOCS/548853

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05/07 49	PAYMENT		9203	-\$2,501.00	\$14,851.06
05/07 63	60568241	35947-203676	2005	\$80.00	\$14,771.06
05/07 73	PCT/US04/13593	29953-200703	1703	\$84.00	\$14,687.06
05/07 75	PCT/US04/13593	29953-200703	8007	\$20.00	\$14,667.06
05/10 166	PCT/US04/13756	2240-203461	1801	\$300.00	\$14,367.06
05/10 167	PCT/US04/13756	2240-203461	1602	\$1,000.00	\$13,367.06
05/10 168	PCT/US04/13756	2240-203461	1702	\$1,134.00	\$12,233.06
05/10 169	PCT/US04/13756	2240-203461	1703	\$432.00	\$11,801.06
05/10 170	PCT/US04/13756	2240-203461	8007	\$60.00	\$11,741.06
05/10 190	10840289	39562-203677	1003	\$530.00	\$11,211.06
05/10 213	PCT/US04/13937	39734-203675	1601	\$300.00	\$10,911.06
05/10 214	PCT/US04/13937	39734-203675	1603	\$300.00	\$10,611.06
05/10 215	PCT/US04/13937	39734-203675	1701	\$1,053.00	\$9,558.06
05/10 216	PCT/US04/13937	39734-203675	1703	\$456.00	\$9,102.06
05/10 217	PCT/US04/13937	39734-203675	8007	\$20.00	\$9,082.06
05/11 4	10697569	31496-198393 K	1001	\$770.00	\$8,312.06
05/11 5	10697569	31496-198393 K	1203	\$290.00	\$8,022.06
05/11 6	10697569	31496-198393 K	1051	\$130.00	\$7,892.06
05/11 431	10494436	29953-192729	1610	\$20.00	\$7,872.06
05/12 7	PCT/US04/06813		9204	-\$1,000.00	\$8,872.06
05/12 8	PCT/US04/06813	36741-201694	1603	\$300.00	\$8,572.06
05/12 22	76590971	40205/197767	6001	\$335.00	\$8,237.06
05/12 69	1281801		8521	\$40.00	\$8,197.06
05/12 246	0773308		8521	\$40.00	\$8,157.06
05/12 247	1570121		8522	\$25.00	\$8,132.06
05/12 248	0641124		8522	\$25.00	\$8,107.06
05/12 249	0343258		8522	\$25.00	\$8,082.06
05/12 276	76557324	43105199991	8521	\$40.00	\$8,042.06
05/12 308	76557324	43105-199991	8521	\$40.00	\$8,002.06
05/13 13	10332512		9204	-\$50.00	\$8,052.06
05/13 63	10664030	19371.0002	2001	\$385.00	\$7,667.06
05/13 64	10664030	19371.0002	2202	\$72.00	\$7,595.06
05/13 65	10664030	19371.0002	2201	\$43.00	\$7,552.06
05/13 66	10664030	19371.0002	2051	\$65.00	\$7,487.06
05/13 67	10664030	19371.0002	2253	\$475.00	\$7,012.06
05/13 95	10343448	02240-186463	8021	\$40.00	\$6,972.06
05/13 105	76591307	38793-203699	6001	\$335.00	\$6,637.06
05/13 106	76591308	38793-203698	6001	\$335.00	\$6,302.06
05/14 1	09937181	FREE001	1806	\$180.00	\$6,122.06
05/14 1	PAYMENT		9203	-\$5,583.00	\$11,705.06
05/14 1	09944217	31653-174375	1251	\$110.00	\$11,595.06
05/14 2	09937181	FREE001	2251	\$55.00	\$11,540.06
05/14 7	10203427	19387.0010	1201	\$86.00	\$11,454.06
05/14 20	76422988		9204	-\$335.00	\$11,789.06
05/14 22	76422988		9204	-\$100.00	\$11,889.06
05/14 34	PCT/US04/07517		9204	-\$700.00	\$12,589.06
05/17 1	10292430	36737-182662	2201	\$129.00	\$12,460.06
05/17 77	10664030	19371.0002	8021	\$40.00	\$12,420.06

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VENABLE

175 7th Street, NW
Washington, DC 20004-3100
Telephone 202/344-4000
Facsimile 202/344-3800
www.venable.com

TO:
USPTO - Deposit Account
Request for Refund

FAX NUMBER:
703-308-6778

PHONE NUMBER:
703-305-4631

SENDER:
MANNI LI

SENDER'S FAX NUMBER:
(202) 344-8300

SENDER'S PHONE NUMBER:
(202) 344-8119

SENDER'S ASSISTANT:
Kimberly L. Mason

ASSISTANT'S PHONE NUMBER:
(202) 344-4833

DATE:
May 24, 2004

CLIENT/MATTER NUMBER:
31496-198393

PAGES, INCLUDING COVER:
- 4 -

MESSAGE:

Transmitted herewith are the Request for Refund with a copy of the Deposit Account Summary of Account No. 22-0261 indicating the 2 fees inadvertently charged to the account under reference number 31496-198393 K.

Your attention to the matter is greatly appreciated.

Manni Li

If you require assistance with this transmission, please contact the sender.

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